

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Switching in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-024
(Filed February 21, 2001)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-035
(Filed February 28, 2001)

Application of The Telephone Connection Local Services, LLC (U 5522 C) for the Commission to Reexamine the Recurring Costs and Prices of the DS-3 Entrance Facility Without Equipment in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-031
(Filed February 28, 2002)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Interoffice Transmission Facilities and Signaling Networks and Call-Related Databases in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-032
(Filed February 28, 2002)

Application of Pacific Bell Telephone Company (U 1001 C) for the Commission to Reexamine the Costs and Prices of the Expanded Interconnection Service Cross-Connect Network Element in the Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-034
(Filed February 28, 2002)

Application of XO California, Inc. (U 5553 C) for the Commission to Reexamine the Recurring Costs of DS1 and DS3 Unbundled Network Element Loops in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-03-002
(Filed March 1, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING ON MOTION TO
INTERVENE OF LEVEL 3 COMMUNICATIONS LLC AND
GRANTING MOTIONS TO FILE UNDER SEAL**

I. Motion to Intervene

On June 28, 2002, Level 3 Communications LLC (Level 3) filed a motion to intervene in the above-captioned consolidated proceedings. There were no responses to the motion.

Level 3 is a facilities-based competitive local exchange carrier (CLC) that is authorized to provide service in California. As a CLC, Level 3 has entered into an interconnection agreement with Pacific Bell Telephone Company (Pacific). Level 3 requests to intervene as a party in these proceedings because it wishes to comment on the amendments to its interconnection agreement that Pacific has filed in compliance with Decision (D.) 02-05-042. Level 3 maintains that it will not broaden the issues in the case nor unduly delay the schedule. Good cause having been shown, the request to intervene should be granted.

II. Motions for Confidentiality

The following motions to file information under seal are currently pending in the above-captioned proceedings:

- February 28, 2002 motion by Pacific Bell Telephone Company (Pacific) to file portions of Application (A.) 02-02-034 under seal. Pacific requests confidential treatment of pages 2 and 3 of the Declaration of Scott Pearsons that contains cost information and utilization information for the Expanded Interconnection Service Cross-Connect network element.
- May 13, 2002 motion by AT&T Communications of California, Inc. (AT&T) and WorldCom, Inc. (WorldCom) (hereinafter "Joint Applicants"), the Office of Ratepayers Advocates (ORA), and The Utility Reform Network (TURN) to file page 11 of these parties jointly filed comments on the Alternate Draft Decision of Commissioner Peevey under seal. According to the motion, page 11 of the comments contains cost that Pacific considers confidential and proprietary. Joint Applicants acquired this information subject to nondisclosure agreements and are obligated to file this information under seal.
- July 11, 2002 motion by Joint Applicants to file portions of a declaration by Catherine E. Pitts filed in response to an ALJ ruling of July 9, 2002 regarding potential extension of

the interim UNE basic port discount to other port types. Pages 5 and 6 of the declaration contain information regarding switching contracts that Pacific considers confidential and proprietary.

The information described above, if revealed, would provide business-sensitive data of Pacific to its competitors. This could place Pacific at an unfair business disadvantage. The material for which confidential treatment is requested has been made available to parties pursuant to non-disclosure agreements. We have granted similar requests for confidentiality in the past and will do so here.

IT IS RULED that:

1. The motion to intervene filed by Level 3 Communications LLC is granted.
2. The Process office and the parties are directed to add the following name to the service list for these consolidated proceedings:

Michael R. Romano
Director – State Regulatory Affairs
Level 3 Communications, LLC
8270 Greensboro Drive, Suite 900
McLean, VA 22101
703-762-0147

3. The Commission's website posting of the service list for these proceedings shall be amended accordingly.

4. The motions listed in this order to file information under seal are granted for two years from the date of this order. During that period the information shall not be made accessible or disclosed to anyone other than the Commission staff except upon execution of an appropriate non-disclosure agreement with Pacific Bell Telephone Company (Pacific), or on the further order or ruling of the Commission, the Assigned Commissioner, the Assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

5. If Pacific believes that further protection of the information filed under seal is needed, it may file a motion stating the justification for further withholding of the information from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than one month before the expiration date of today's protective order.

Dated July 25, 2002, at San Francisco, California.

/s/ Dorothy J. Duda
Dorothy J. Duda
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on all parties of record in this proceeding or their attorneys of record.

Dated July 25, 2002, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.